



General Information Regarding System of Records

SR-IP-1

October 2003

System of Records



**TMA Privacy
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What is a Record?

Any item, collection, or grouping of information about an individual that is maintained by an Agency, including, but not limited to the individual's education, financial transactions, medical history, and criminal or employment history, and that contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print of or a photograph. In addition, records can consist of personal information, such as, address, Social Security number, date of birth, etc.

What is System of Records?

- A group of records under the control of a DoD Component from which information is retrieved by the individual's name or by some identifying number, symbol, or other identifying particular assigned to the individual.
- System notices for all Privacy Act systems of records must be published in the Federal Register for a period of 30 days to allow public comment; both Houses of the U. S. Congress are also notified of each new system.

How Does Retrieving Records or Files Impact System of Records?

- Access to a group of records containing personal information does not in itself create a system of records. It is when you access these records using a personal identifier that you have created a system of records and therefore must abide by *DoD Regulation 5400.11-R and OSD Administrative Instruction 81, "Privacy Program," February 1999.*
- Additionally if you review or query a DoD approved system of records in a manner that is not covered in the original *Federal Register* system notice you are in violation of the law and DoD policy. Upon request, records pertaining to the requester shall be released to that person. Individuals may only be denied access to a record in a system of records about themselves when those records are exempted from the access provisions of the Privacy Act, e.g., they are part of an ongoing law enforcement investigation, etc.

What is a System of Records Notice?

- A system of records notice describes and informs the public of the type of information that an agency will be collecting, who will be collecting the information, how it will be safeguarded, the purpose for collecting such information, etc.
- It is an advanced notice to the public that must be given before an agency begins. It is an advanced notice to the public that must be given before an agency begins to collect, is given access to or can retrieve

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personal information for a new system of records and must be published in the *Federal Register*.

- The date in which the program will become effective must be included when it is published in the *Federal Register*.
- To accommodate new users, new purposes, or situations, it may be necessary to republish a new system of records notice.
- Publication in the *Federal Register* provides the public 30 days to comment on any proposed routine uses, or provide their advice before implementation.

What Information is Included in a System of Records Notice?

The Office of the Federal Register mandates the captions below and they must be listed in the same order in the System of Records Notice when published in the *Federal Register*.

- System identification;
- System name;
- System location;
- Categories of records in the system;
- Authority for maintenance of the system
- Purpose(s);
- Routine uses of records maintained in the system, including categories of users, uses, and purpose of such uses;
- Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system;
- Systems manager(s) and address;
- Notification procedure;
- Record access procedures;
- Contesting records procedures;
- Record source categories;
- Systems exempted from certain provision of the Act.

How Do You Publish a System of Records Notice in the Federal Register?

- Submissions for System of Records Notice have to be submitted to the Defense Privacy Office, Washington Headquarters Services through Directives and Records Branch, Communications and Directives Directorate, WHS. For all proposed rules for implementing this Regulation in proper format see OSD Administrative Instruction 102. "OSD Federal Register System," August 1999 for information pertaining to the preparation of documents for publication in the *Federal Register*.
- Three documents have to be published in the *Federal Register* relating

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to the Privacy Program: (1) DoD Component Privacy Program rules; (2) Component exemption rules; and (3) System notices.

- A new system of notice must be published if a notice for a system of records have been cancelled or before reinstating or reusing the system.
- Formal rulemaking does not apply to System Notices; they are published as "Notices," not rules in the *Federal Register*.
- Systems of Records Notices are not published in the *Code of Federal Regulations*. (C6.1, DoD 5400.11-R)

References

DoD Regulation 5400.11-R, "Department of Defense Privacy Program," August 1983
OSD Administrative Instruction 102, "OSF Federal Register System," August 6, 1999
OSD Administrative Instruction 81, "Privacy Program," February 4, 1999



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